

CITY AND COUNTY



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September 3, 1986

TO: Finance Committee

FROM: Budget Analyst

SUBJECT: DISTRICT ATTORNEY AND POLICE DEPARTMENT BUDGETS:
Overcharging of Arrestees.

The Mayor's Criminal Justice Council (MCJC) produced a report for the Jail Overcrowding Committee in September, 1985 that disclosed that approximately 62 percent of those booked on felony charges were subsequently rebooked as misdemeanors or were discharged during a 13-day sample period in August, 1985.

Legally, felony arrestees must be rebooked within 48 hours of arrest. Unless they are released on bail, they are held in custody until rebooking. The MCJC study showed that felony arrestees averaged 38.2 hours in jail before release as compared to 23.5 hours for all types of releases. The report points out that the time spent in custody by felony arrestees adds to jail overcrowding and higher costs to the City. With the majority of arrestees' charges being dropped or reduced to misdemeanor status, the report suggests that expedition of the rebooking process could result in earlier release from custody and lower costs to the City.

The most recent available data from the District Attorney's Office confirm the finding in the MCJC report. As shown below, the number of felony arrestees whose charges were maintained at the felony level increased from 31.7 percent in 1984 to 39.8 percent in 1985.

	Calendar Year <u>1984</u>	% Total Arrests	Calendar Year <u>1985</u>	% Total Arrests
# Felony Arrests	15,712		16,724	
# Maintained at Felony Level	3,353	31.7%	6,668	39.8%
# Reduced to Misdemeanor	3,353	21.3	3,420	20.4
# Discharged	7,378	47.0	6,636	39.7

CONTINUATION OF THE JOURNAL

July 10, 1888.—Left the station at 7:30 A.M. and went to the village of *Yerba Buena*, about 10 miles from the station. The village is situated on a flat, sandy plain, bounded on the west by a range of hills, and on the east by a range of hills, and on the south by a range of hills, and on the north by a range of hills.

At 10:30 A.M. I started back to the station, and arrived there at 12:30 P.M.

At 1:30 P.M. I started back to the village of *Yerba Buena*, and arrived there at 2:30 P.M.

At 3:30 P.M. I started back to the station, and arrived there at 4:30 P.M.

At 5:30 P.M. I started back to the village of *Yerba Buena*, and arrived there at 6:30 P.M.

At 7:30 P.M. I started back to the station, and arrived there at 8:30 P.M.

At 9:30 P.M. I started back to the village of *Yerba Buena*, and arrived there at 10:30 P.M.

At 11:30 P.M. I started back to the station, and arrived there at 12:30 A.M.

At 1:30 A.M. I started back to the village of *Yerba Buena*, and arrived there at 2:30 A.M.

At 3:30 A.M. I started back to the station, and arrived there at 4:30 A.M.

At 5:30 A.M. I started back to the village of *Yerba Buena*, and arrived there at 6:30 A.M.

At 7:30 A.M. I started back to the station, and arrived there at 8:30 A.M.

At 9:30 A.M. I started back to the village of *Yerba Buena*, and arrived there at 10:30 A.M.

At 11:30 A.M. I started back to the station, and arrived there at 12:30 P.M.

At 1:30 P.M. I started back to the village of *Yerba Buena*, and arrived there at 2:30 P.M.

At 3:30 P.M. I started back to the station, and arrived there at 4:30 P.M.

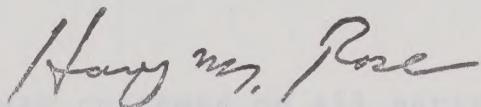
At 5:30 P.M. I started back to the village of *Yerba Buena*, and arrived there at 6:30 P.M.

At 7:30 P.M. I started back to the station, and arrived there at 8:30 P.M.

Memo to Finance Committee
September 3, 1986
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Data are not available for 1986 from either the District Attorney or the Sheriff but the 1985 statistics show that 60 percent of felony arrestees were discharged or reduced to misdemeanor status as opposed to 68.3 percent in 1984. The District Attorney's Office attributes this to improved arrest procedures at the Police Department. The Police Department reports that they have improved supervision and quality control procedures regarding arrests in an attempt to stem overcharging.

The statewide average for felony arrests that are discharged or reduced to misdemeanor status was 58 percent in 1983, according to the State Department of Justice. Compared to the average, San Francisco's rate is comparable. With improved arrest and more expeditious rebooking procedures, this rate should be expected to go down, alleviating jail overcrowding and making District Attorney staff time more productive.



Harvey M. Rose

cc: Supervisor Renne
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City and County of San Francisco



MAYOR DIANNE FEINSTEIN
Chairman

Mayor's Criminal Justice Council

ROTEA J. GILFORD
Deputy for Criminal Justice

MEMORANDUM

TO: MEMBERS, JAIL OVERCROWDING COMMITTEE DATE: SEPTEMBER 23, 1985

FROM: DON LEONARD AND WAYNE LAWRENCE

SUBJ: RESULTS OF JAIL SURVEY

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MCJC JAIL SURVEY

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Booking information was reviewed on all persons booked at County Jail #1 (Sixth Floor) during the period of August 12, 1985 through August 25, 1985 and who were subsequently released during that same period. All information was obtained from the arrest/booking cards.

A total of 1881 persons were booked in the jail during that period. Of those, 1611, or 85.6%, were released from custody, while 270, or 14.4%, were still in custody at the time this review was completed.

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Summary of Findings:

- * Forty two percent (42%) of all bookings were misdemeanors and were generally cited out within 5 hours.
- * Almost 50% of all persons booked were either cited out or released on bail within 8 hours.
- * Roughly 70% of the sample were released from jail prior to their first court appearance. This does not include "en route pickups" (5%) who may also not appear in Court before release.
- * The average length of stay in custody for all releases was 23.5 hours. Persons booked for no warrant felonies spent an average of 38.2 hours in jail before release.
- * Forty four percent (44%) of persons booked on no warrant felonies were discharged. This population spent an average of 36.6 hours in jail before release, ranging from 1 hour to 4.4 days in custody.
- * Roughly 18% of those persons booked on no warrant felonies were subsequently rebooked as misdemeanors. Time in custody ranged from 2 hours to 4.7 days.
- * Public inebriates accounted for slightly over 5% of all bookings.
- * Drug violations accounted for 41% of all no warrant felony bookings and crimes against property comprised 43%.

Analysis of Findings:

- * The implementation of a Master Calendar System would not appear to have the potential for significant relief of jail overcrowding given the high percentage of persons who are released from jail before their first court appearance. However, the establishment of a Night Court may have a positive impact on jail overcrowding and warrants further study.
- * Sixty two percent of those booked on no warrant felonies were subsequently rebooked as misdemeanors or discharged. Data indicates that some of these rebooking decisions have been made in a minimum of 1 or 2 hours. Expedition of the rebooking process can result in earlier release from custody.
- * Any available means to expedite the processing of those persons awaiting pickup from other jurisdictions should be pursued.
- * It appears that the booking of public inebriates does not have a major impact on the jail overcrowding problem.

1. Breakdown of Offenses

The breakdown by most serious charge for which booked is shown in Table #1.

TABLE #1

Breakdown of Most Serious Offense for Which Booked at County Jail #1

August 12, 1985 - August 25, 1985
N=1611

<u>Offense Type</u>	<u>N</u>	<u>Percent</u>
No Warrant Felony	393	24.4
Misdemeanor	519	32.2
Vehicle Code	161	10.0
Bench Warrant	197	12.2
Traffic Warrant	188	11.7
En Route	153	9.5
	<u>1611</u>	<u>100%</u>

By combining the "Misdemeanor" and "Vehicle Code" categories, we see that there were 680 local misdemeanor-level bookings, representing 42.2% of all bookings. No Warrant felony bookings accounted for nearly one-quarter of the bookings. Persons booked on outstanding traffic and Penal Code Bench Warrants totaled 385 bookings, or nearly 24 percent.

2. Types of Release

In Table #2 information on the types of releases from CJ #1 is shown. The most often utilized form of release was by Sheriff's Department Citation Release, 37.4%. The next two forms of release most often utilized were bail (11.4%) and Court O.R. (11.3%).

TABLE #2

Type of Release from CJ #1

August 12, 1985 - August 25, 1985

<u>Release (N=1611)</u>	<u>N</u>	<u>Percent</u>
Cite	602	37.4%
Bail	184	11.4%
Court O.R.	182	11.3%
O.R. Project	143	8.9%
County Jail Discharge	94	5.8%
En Route Pickup	88	5.5%
Credit for Time Served	85	5.3%
Release in Court-Discharged	80	5.0%
Release When Sober	68	4.2%
Transfer to CJ #2/#3	36	2.2%
849.b.2-Release by Sheriff	18	1.1%
Probation Reinstatement	18	1.1%
Release in Court-Dismiss	10	1%
Youth Guidance Center	3	1%

3. Length of Time In Custody

The average of length of stay in jail for all persons released is shown in Table #3.

Overall, the average length of stay in custody for all releases during this period was 23.5 hours. Persons who were delivered to Y.G.C. remained in custody at the jail for the shortest period time. However, the significant lowest amount of time spent in custody at the jail (an average of 5.3 hours) were those persons who were cited. Many persons were cited after being in jail less than one hour. Also included in that category, however, are persons who were released on citation after having a no warrant felony rebooked to a misdemeanor charge. Such persons spent a much greater amount of time in custody than those who were originally booked for misdemeanors.

The longest amount of time spent in custody were those persons booked for Probation Revocation hearings who were reinstated to Probation, 68.7 hours.

The next longest time served before release were those persons en route to other jurisdictions, 63.8 hours.

TABLE #3

Average Length of Stay in CJ #1
for All Persons Released - By Type of Release
August 12, 1985 - August 25, 1985
N=1421

<u>TYPE OF RELEASE</u>	<u>N</u>	<u>Average # of hrs in Custody</u>
Probation Reinstatement	13	68.7
En Route Pickup	85	63.8
Credit for Time Served	80	46.6
Court O.R.	167	36.9
Release in Court-Dissmiss	10	33.0
O.R. Project	124	32.7
Discharge	158	29.3
Transfer to CJ #2/#3	22	20.9
Bail	169	16.5
Release When Sober	72	11.7
Cite	518	5.3
YGC	3	3.2
Total	1421	23.5
Missing Data = 190		

4. Persons Booked for No Warrant Felonies

There were a total of 533 "no warrant" felony bookings. Of these, 393, or 74 percent, were released during the period of the study. Twenty-six percent, or 140 persons remained in custody. Rebooking information was obtained on the 393 persons who had been released.

TABLE #4

Offense Category of Persons Booked for No Warrant Felonies

N=393

<u>Offense Category</u>	<u>N</u>	<u>Percent</u>
Drugs	160	40.7%
Crimes Against Persons	35	8.9%
245a Penal Code	28	7.1%
Crimes Against Property	170	43.3%
Total	393	100%

Table #4 shows that of the 393 persons booked for no warrant felonies nearly 41 percent were booked for drug offenses. Nearly nine percent were booked for crimes against persons (usually Penal Code Section 211, Armed Robbery), with an additional seven percent booked for violations of Penal Code Section 245a, Assault with a Deadly Weapon. The remaining persons were booked for Crimes Against Property; e.g., Auto Theft, Burglary, Petty Theft with a Prior, etc.

4a. Rebooking Charges for No Warrant Felonies

Table #5 shows that nearly 38 percent of the 393 persons originally charged with no warrant felonies were rebooked with felony charges. Misdemeanor rebooking charges were filed on only 18 percent. Slightly more than 44 percent of the persons originally charged with no warrant felonies subsequently had no charges filed against them after the cases had been reviewed.

TABLE #5

No Warrant Felony Bookings at CJ #1 by Type of Rebooking

August 12, 1985 - August 25, 1985

Number of No Warrant Felon Bookings: 393

Type of Rebooking	N	Percent
Felony	148	37.7%
Misdemeanor	71	18.0%
Not Charged	174	44.3%

4b. Cases Discharged at Rebooking

Utilizing the offense categories in Table #4, persons who had no charges filed against them at rebooking were examined. Table #6 present a breakdown of the data examined.

TABLE #6

Breakdown of Number of and Percent of Persons who had No Charges Filed at Time of Rebooking - By Offense Category

Offense Category	# Booked	# No charges Filed	Percent
Drugs	160	54	33.7%
Crimes Against Persons	35	23	65.7%
245a Penal Code	28	20	71.4%
Crimes Against Property	170	77	45.3%

Slightly more than a third of those persons booked on no warrant drug charges had no charges filed at rebooking. In the "crimes against persons" and "245a PC" categories nearly 77 percent and slightly more than 71 percent, respectively, were not charged. Approximately 45 percent of the no warrant bookings for "Crimes Against Property" were discharged.

4c. Length of Stay In Custody by Rebooking Charge

In Table #7 we have calculated the average length of stay in CJ #1 for all persons who were booked on no warrant felonies and who were released during the period of this study. The average stay was 38.2 hours, or slightly more than 1 1/2 days.

TABLE #7

Average Length of Stay of no Warrant Felony Bookings
at CJ #1 and Released

August 12, 1985 - August 25, 1985
(missing data = 61)

Total Hours in CJ #1: 12,676.5

Average Length of Stay: 38.2 hours
(1 day + 14.2 hrs)

Calculations were then made for the average length of stay for those persons who were recharged at the misdemeanor level (Table #8). The average length of stay was 35.8 hours, or nearly 1 1/2 days.

TABLE #8

Average Length of Stay of No Warrant Felony Bookings
Rebooked as Misdemeanors and Released from CJ #1

August 12, 1985 - August 25, 1985
(missing date = 12)

Total Hours in C.I. #1: 2110.0

Average Length of Stay: 35.8 hours
(1 day + 11.8 hours)

Range: 2 hours = 113 hours
(4.7 days)

Finally, the average length of stay for those persons against whom no charges were filed on rebooking was calculated. Table #9 shows the average length of stay for this group was 36.6 hours, or slightly more than 1 1/2 days.

TABLE #9

Average Length of Stay of no warrant Felony Bookings
Not Charged at Rebooking and Released from CJ #1

N=146 August 12, 1985 - August 25, 1985
 (missing data = 28)

Total Hours in CJ #1: 5343.75

Average Length of Stay: 36.6 hours
(1 day + 12.6 hours)

Range: 1 hour - 105 3/4 hours
(4.4 days)

The average length of stay does not reflect the average length of time in custody before the rebooking process was completed. Many persons, those with the shortest length of stay usually, had bailed out before any rebooking decisions were made. However, those with longer lengths of stay were generally still in custody when the rebooking decisions were made.

Because the arrest/booking cards do not reflect the time of day at which a person booked for a no warrant felony is rebooked, it was not possible to calculate the number of hours between booking and rebooking of such persons. However, a gross figure of number of days between booking and rebooking could be "roughly" calculated. The average number of days between booking and rebooking for the sample of 393 persons was 1.2 days.

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